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Attorneys for Plaintiff
Randal David Penns

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RANDAL DAVID PENNS,)	Case No.: 2:24-cv-01230-EJY
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER FOR THE AWARD AND
vs.)	PAYMENT OF ATTORNEY FEES
)	AND EXPENSES PURSUANT TO
FRANK BISIGNANO,)	THE EQUAL ACCESS TO JUSTICE
Commissioner of Social Security,)	ACT, 28 U.S.C. § 2412(d) AND
)	COSTS PURSUANT TO 28 U.S.C. §
Defendant.)	1920
)	

TO THE HONORABLE ELAYNA J. YOUCHAH, MAGISTRATE JUDGE
OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their
undersigned counsel, subject to the approval of the Court, that Randal David Penns
("Penns") be awarded attorney fees in the amount of FIFTY SEVEN HUNDRED

1 dollars (\$5,700.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. §
2 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents
3 compensation for all legal services rendered on behalf of Plaintiff by counsel in
4 connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

5 After the Court issues an order for EAJA fees to Penns, the government will
6 consider the matter of Penns's assignment of EAJA fees to Marc Kalagian. The
7 retainer agreement containing the assignment is attached as exhibit 1. Pursuant to
8 *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment
9 will depend on whether the fees are subject to any offset allowed under the United
10 States Department of the Treasury's Offset Program. After the order for EAJA fees
11 is entered, the government will determine whether they are subject to any offset.

12 Fees shall be made payable to Penns, but if the Department of the Treasury
13 determines that Penns does not owe a federal debt, then the government shall cause
14 the payment of fees, expenses and costs to be made directly to Law Offices of
15 Lawrence D. Rohlfing, Inc., CPC, pursuant to the assignment executed by Penns.¹
16 Any payments made shall be delivered to Law Offices of Lawrence D. Rohlfing,
17 Inc., CPC. Counsel agrees that any payment of costs may be made either by
18 electronic fund transfer (ETF) or by check.

19 This stipulation constitutes a compromise settlement of Penns's request for
20 EAJA attorney fees, and does not constitute an admission of liability on the part of
21 Defendant under the EAJA or otherwise. Payment of the agreed amount shall
22 constitute a complete release from, and bar to, any and all claims that Penns and/or
23

24
25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 Marc Kalagian including Law Offices of Lawrence D. Rohlring, Inc., CPC, may
2 have relating to EAJA attorney fees in connection with this action.

3 This award is without prejudice to the rights of Marc Kalagian and/or the
4 Law Offices of Lawrence D. Rohlring, Inc., CPC, to seek Social Security Act
5 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
6 the EAJA.

7 DATE: June 6, 2025 Respectfully submitted,

8 LAW OFFICES OF LAWRENCE D. ROHLRING, INC., CPC

9 /s/ *Marc V. Kalagian*

10 BY:

11 Marc V. Kalagian
Attorney for plaintiff
RANDAL DAVID PENNS

12
13 DATE: June 6, 2025

SIGAL CHATTAH
United States Attorney

14
15 /s/ *David Priddy*

16 DAVID PRIDDY
Special Assistant United States Attorney
Attorneys for Defendant
FRANK BISIGNANO, Commissioner of Social
18 Security (Per e-mail authorization)

19 **ORDER**

20
21 Approved and so ordered:

22 DATE: June 6, 2025

23 
24 THE HONORABLE ELAYNA J. YOUCHAH
25 UNITED STATES MAGISTRATE JUDGE
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